

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4096PTWO/er	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/052537	International filing date (day/month/year) 14.10.2004	Priority date (day/month/year) 15.10.2003	
International Patent Classification (IPC) or national classification and IPC B29C49/64, B29C45/72			
Applicant S.I.P.A. SOCIETÀ INDUSTRIALIZZAZIONE ...			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 04.08.2005		Date of completion of this report 07.10.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Ingelgard, T. Telephone No. +49 89 2399-7249	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/052537

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-11 as originally filed

Claims, Numbers

1-11 received on 12.08.2005 with letter of 10.08.2005

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/052537

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

5.1 The document GB1497114 is regarded as being the closest prior art to the subject-matter of claim 1, and shows:

A conditioning device for moulded plastic items for use in blow mould plants comprising:

- a chain or other continuous conveying device forming a spiral-type path suitable for conveying at least one plastic item;
- at least a first thermal conditioning stage comprising at least one duct through which said at least one plastic item can be conveyed and that is crossed by a length of said chain or other continuous conveying device and is suitable for thermally conditioning by heating and/or cooling said at least one plastic item; wherein said chain or other continuous conveying device follows a path comprising the sections of feeding said at least one plastic item through said first thermal conditioning stage, of removing said at least one plastic item from said first heating stage for a predetermined amount of time in order to redistribute the temperature inside said at least one plastic item with a predetermined degree of uniformity, and of re-feeding said at least one plastic item into said first thermal conditioning stage.

The subject-matter of claim 1 differs from this known device in that said at least one duct is crossed by at least two sections, of said chain or other continuous conveying device, placed side by side, wherein said sections belong each to a different spiral of said chain or other continuous conveying device.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as how to make a more compact plant and how to save energy in a oven or cooling box.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) as no other prior art shows a conditioning duct where a spiral-type path makes the plastic item pass the same duct several times, each time following a separate spiral path. Therefore the skilled man would not have the necessary information to solve the posed problem using the features of the characterizing portion of claim 1.

5.2 Claims 2-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Items VII and VIII

7.1 Claims 1: The definition of the matter for which protection is sought is not clearly indicated (Rule 6.3 PCT). The general statement "A conditioning device for plastic items.." should be replaced by a more clear statement. A suggestion from the examining division is to use the formulation "A conditioning device for injection moulded plastic preforms for use in blow mould plants..". A basis for this can be found in the first paragraph of the description of the present application.

7.2 The vague and imprecise statement in the description on page 12 (lines 18 and 19) implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

7.3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents GB1497114, US5326258 and US5308233 is not mentioned in the description, nor are these documents identified therein.

7.4 When filing amended claim(s) the applicant should at the same time have brought the description into conformity with the amended claims.

7.5 The dependent claims 2-11 should have been drafted as "A plant comprising a conditioning device as claimed in claim .." and/or as "A conditioning device as claimed in claim ..".